

clause which would ensure prohibition of enactment of the enabling legislation minus the vote of the people. I urge the body's support of the amendment.

PRESIDENT MOUL: Thank you, Senator Smith. Senator Will.

SENATOR WILL: Thank you, Madam President, members of the body. I rise in opposition to the reverse severability clause of Senator Warner's, although I'm not going to spend a great deal of time discussing it. I guess I can understand Senator Warner's concern. What he's saying is that if, indeed, the provision that makes the implementation of a lottery contingent upon the approval of the vote of the people is, indeed, unconstitutional and severable, then we could back door a state lottery statutorily, in essence. And that's why he's bringing this provision. I guess my concern would be that if there's some other provision of...a technical provision, perhaps of LB 849 that is unconstitutional, that the lottery bill itself could be brought down by that, by including the reverse severability clause. I think we have a mechanism in place right now that keeps the lottery from becoming law without a vote, if, indeed, that part of the bill is found unconstitutional. And that mechanism is the fact that we've approved absolutely no money to implement a lottery. The lottery will not take effect without the Legislature putting in some start up money, and we made the decision not to advance LB 849A, so we have a very practical method right now of LB 849 not taking effect. I would urge your opposition to the Warner amendment.

PRESIDENT MOUL: Thank you, Senator Will. Does anyone else wish to speak to the Warner amendment? Seeing none, do you have closing, Senator Warner?

SENATOR WARNER: Well, Madam President, in the event that the...there is some other provision that is unconstitutional in the act, I suspect it would be well that we would reenact it anyway, since it's obviously the intent of the body, or at least those who speak, that the lottery is not to be effective until there has been approval. So I see where there is absolutely no loss by attaching this, even if there is some other provision that is unconstitutional, because in all odds we'd have to reenact the proposed legislation anyway. But I would hate to think, if the voters turn this down, that we would turn around and see this act being effective without the vote of the people having approved it, just because of those who contend that it